

New Hope Foundation  
One Valentine Lane  
Chapel Hill, NC 27516

December 15, 2014

**VIA ELECTRONIC FILING**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

**Re: Appeal of USAC Decision On Appeal of Administrators Decision in CC Docket No. 02-6**

Applicant Name:	Surry County School District
Billed Entity Number:	126804
Funding Year	2014
Form 471 App. Number:	937676
Funding Request Numbers:	2685724 & 2685843

Dear Ms. Dortch:

Surry County School District of Surry County, North Carolina ("Surry County" or "District"), acting through counsel and pursuant to Sections 54.719-54.721 of the Commission's rules<sup>1</sup>, hereby timely files this Request for Review or Waiver ("Appeal"). The Appeal requests Commission review of the adverse decision of the Administrator of the Universal Service Administrative Company ("USAC") denying the funding request(s) enumerated above for Funding Year 2014.<sup>2</sup>

More specifically, on October 17, 2014, USAC's Schools and Libraries Division ("SLD") issued a decision partially denying an appeal filed by Surry County with USAC. In its decision on appeal USAC held that its previously-issued determination to deny funds<sup>3</sup> was justified based on findings that the District failed to furnish documentation as requested by a reviewer on the due date. In fact the requested documentation was furnished one day before the due date and repeated requests to determine if the information was received went unanswered.

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<sup>1</sup> 47 C.F.R. §§ 54.719-54.721.

<sup>2</sup> Administrator's Decision on Appeal - Funding Year 2014, Surry County School District (October 17, 2014013), attached as Exhibit 1.

<sup>3</sup>Funding Commitment Decision Letter, June 4, 2014 ("FCDL"), attached as Exhibit 2.

Ms. Marlene H. Dortch  
Federal Communications Commission  
December 15, 2014

We respectively disagree with this decision.

Surry County is aggrieved by USAC's October 17, 2014 decision and submits that for various reasons outlined below the decision is unjustified and in error. Specifically, the decision regarding the fact of whether a violation of the procedural rules is unwarranted and unjustified under the rules, policies and requirements governing the Program's administration.

#### Background

The District received a FCDL on Application 471 # 937676 dated June 4, 2014 (Exhibit 2) denying FRN's 2685724 & 2685843 which was appealed on June 14, 2014 to USAC (Exhibit 3) which was subsequently denied by USAC in its Administrator's Decision on Appeal dated October 17, 2014 (Exhibit 1). The reason stated in the Decision letter was "You were contacted by UASC on September 10, 2014 and were asked to provide Vendor Documentation to support your request for FRN:2685724 and FRN:2685843. On September 16, 2014 you were sent a reminder stating that none of the information has been received and that you had until September 25, 2014 to provide the requested documentation. Since the information was not forthcoming, your appeal for FRN's 2685724 and 2685843 are denied."

#### Discussion

The District responded to the reviewer, Rocco Bambaci, on September 24, 2015 (Exhibit 4) on the day before the due date of September 25, 2015 via email and attached the requested documentation for both FRN 2685724 & 2685843. Since the email was not returned it was assumed that it was received by USAC. It was sent to the same email address listed below the requester's name in the September 10, 2014 request for information. On October 7, 2014 a follow-up (Exhibit 5) was sent to the reviewer asking if additional information was needed. Receiving no response, another follow-up was sent on October 10, 2014 (Exhibit 6) and again receiving no response yet another follow-up was sent on October 13, 2014 (Exhibit 7). No response to any of the follow-ups. Numerous telephone calls were also made to the reviewer to ensure that he had all the necessary and required information. None of the calls were answered nor returned.

#### Request and Conclusion

It is obvious that not only did the District comply by sending the requested information, but also did so within the time frame demanded by the reviewer in his request email of September 10, 2014 and subsequent reminder email of September 16, 2014. Indeed the information was furnished on September 24, 2014, one day before the deadline of September 25, 2014. As the basis for the denial in the Administrator's Decision on Appeal is erroneous we would ask that the decision be overturned and that the FRN's be approved forthwith.

Ms. Marlene H. Dortch  
Federal Communications Commission  
December 15, 2014

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John W. Hughes III", followed by a long horizontal line extending to the right.

John W. Hughes III  
*Consultant to Surry County School District*  
*New Hope Foundation*  
*One Valentine Lane*  
*Chapel Hill, NC 2716*





**Universal Service Administrative Company**  
Schools & Libraries Division

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**Administrator's Decision on Appeal – Funding Year 2014-2015**

October 17, 2014

John W. Hughes  
Surry County School District  
One Valentine Lane  
Chapel Hill, NC 27516

Re: Applicant Name: SURRY COUNTY SCHOOL DISTRICT  
Billed Entity Number: 126804  
Form 471 Application Number: 937676  
Funding Request Number(s): 2685724, 2685843, 2685739, 2685810  
Your Correspondence Dated: June 24, 2014

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2014 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision. If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 2685739, 2685810  
Decision on Appeal: **Approved**  
Explanation:

- Your appeal has brought forward persuasive information that the funding requests cited above should be approved for funding.

Funding Request Number(s): 2685724, 2685843  
Decision on Appeal: **Denied**  
Explanation:

- You were contacted by USAC on September 10, 2014 and were asked to provide Vendor Documentation to support your request for FRN:2685724 and FRN:2685843. On September 16, 2014, you were sent a reminder stating that none of the information has been received and that you had until September 25, 2014 to provide the requested documentation. Since the information was not forthcoming, your appeal for FRN's 2685724 and 2685843 are denied.

- USAC Schools and Libraries Division oversees the administration of the E-rate Program and has the authority to make decisions concerning the administration of the application process, including activities to ensure compliance with Federal Communications Commission rules and regulations. *See* 47 C.F.R. sec. 54.705(a)(1)(iii). To conduct these reviews, USAC has put in place administrative measures to ensure the prompt resolution of applications. If applicants do not respond within the designated time period, USAC reviews the application based on the information available. *See* Request for Review of the Decision of the Universal Service Administrator by Marshall County School District, Moundsville, West Virginia, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc., File No. SLD-220105, et al., CC Docket Nos. 96-45 and 97-21, 18 FCC Rcd 4520, 4522, Order, DA 03-764 para. 6 (rel. Mar. 13, 2003). Typically, applicants are required to respond to USAC's requests for additional information necessary to complete their application within 15 days of being contacted. *See* Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, New Orleans, Louisiana, et al., Schools and Libraries Universal Service Mechanism, File Nos. SLD-487170, et al., CC Docket No. 02-6, Order, 21 FCC Rcd 5316-5317, FCC 06-54 para. 23 (rel. May 19, 2006) (Bishop Perry Order). *See also* Application Review posted in the SLD section of the USAC website. For those instances where USAC contacts the applicant in reference to a Selective Review Information Request, the applicant may be provided 30 days to comply with the request. This procedure is necessary to prevent undue delays during the application review process.

Since the Administrator's Decision on Appeal modifies funding for your application, USAC will issue a Revised Funding Commitment Decision Letter (RFCDL) to you and to each service provider that will provide the services approved for discounts in this letter. USAC will issue the RFCDL to you as soon as possible. The RFCDL will inform you of the precise dollar value of your approved funding request(s). As you await the RFCDL, you may share this Administrator's Decision on Appeal with the relevant service provider(s).

If the original FCDL approved funding in part for the services covered by this appeal, the 120 day deadline for filing FCC Forms 486 is determined based on the date of the original FCDL that approved funding for the request(s). However, if the original FCDL denied funding for the services covered by this appeal, FCC Forms 486 cannot be filed until you have received your RFCDL.

Since your appeal was denied in full, dismissed or cancelled, you may file an appeal with the FCC. Your appeal must be postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found under the Reference Area/"Appeals" of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company

John W. Hughes  
Surry County School District  
One Valentine Lane  
Chapel Hill, NC 27516

Billed Entity Number: 126804  
Form 471 Application Number: 937676  
Form 486 Application Number:





Universal Service Administrative Company

Schools and Libraries Division

**FUNDING COMMITMENT DECISION LETTER**  
(Funding Year 2014: 07/01/2014 - 06/30/2015)

June 4, 2014

John Hughes  
SURREY COUNTY SCHOOL DISTRICT  
1 Valentine Lane  
Chapel Hill, NC 27516

Re: FCC Form 471 Application Number: 937676  
Billed Entity Number (BEN): 126804  
Billed Entity FCC Registration Number (FCC RN): 0011937455  
Applicant's Form Identifier: 2014 P1

486 Completed
FORM ID <u>1018855</u>
SEC. CODE <u>20209</u>
DATE COMPLETED <u>6/9/14</u>

cert # 1391904

Thank you for your Funding Year 2014 application for Universal Service Support and for any assistance you provided throughout our review. The current status of the funding request(s) in the FCC Form 471 application cited above and featured in the Funding Commitment Report(s) (Report) at the end of this letter is as follows.

- The amount, \$223,616.34 is "Approved."
- The amount, \$134,650.67 is "Denied."

Please refer to the Report following this letter for specific funding request decisions and explanations. The Universal Service Administrative Company (USAC) is also sending this information to your service provider(s) so preparations can begin for implementing your approved discount(s) after you file FCC Form 486, Receipt of Service Confirmation Form. A guide that provides a definition for each line of the Report is available in the Guide to USAC Letter Reports in the Reference Area of our website.

**NEXT STEPS**

- Work with your service provider to determine if you will receive discounted bills or if you will request reimbursement from USAC after paying your bills in full.
- Review technology planning approval requirements.
- Review Children's Internet Protection Act (CIPA) requirements.
- File FCC Form 486.
- Invoice USAC using the FCC Form 474, Service Provider Invoice (SPI) Form, or FCC Form 472, Billed Entity Applicant Reimbursement (BEAR) Form, - as products and services are being delivered and billed.

**TO APPEAL THIS DECISION:**

You have the option of filing an appeal with USAC or directly with the Federal Communications Commission (FCC).

If you wish to appeal a decision in this letter to USAC, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address for the person who can most readily discuss this appeal with us.



2. State outright that your letter is an appeal. Include the following to identify the USAC decision letter (e.g., ECCL) and the decision you are appealing:
  - Appellant name,
  - Applicant name and service provider name, if different from appellant,
  - Applicant BEN and Service Provider Identification Number (SPIN),
  - FCC Form 471 Application Number 937676 and the Funding Request Number (FRN) or Numbers as assigned by USAC,
  - "Funding Commitment Decision Letter for Funding Year 2014," AND
  - The exact text or the decision that you are appealing.
3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
4. If you are the applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are the service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

We strongly recommend that you use one of the electronic filing options. To submit your appeal to USAC by email, email your appeal to [appeals@sl.universalservice.org](mailto:appeals@sl.universalservice.org) or submit your appeal electronically by using the "Submit a Question" feature on the USAC website. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to USAC by fax, fax your appeal to (973) 599-6542.

To submit your appeal to USAC on paper, send your appeal to:

Letter of Appeal  
 Schools and Libraries Division - Correspondence Unit  
 30 Lanidex Plaza West  
 PO Box 685  
 Parsippany, NJ 07054-0685

For more information on submitting an appeal to USAC, please see "Appeals" in the Schools and Libraries section of the USAC website.

If you wish to appeal a decision in this letter to the FCC, you should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in Appeals in the Schools and Libraries section of our website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

#### OBLIGATION TO PAY NON-DISCOUNT PORTION

Applicants are required to pay the non-discount portion of the cost of the products and/or services to their service provider(s). Service providers are required to bill applicants for the non-discount portion. The FCC stated that requiring applicants to pay their share ensures efficiency and accountability in the program. If USAC is being billed via the FCC Form 474, the service provider must bill the applicant at the same time it bills USAC. If USAC is being billed via the FCC Form 472, the applicant pays the service provider in full (the non-discount plus discount portion) and then seeks reimbursement from USAC. If you are using a trade-in as part of your non-discount portion, please refer to Disposal or Trade-in of Equipment posted in the Reference Area of our website for more information.

#### NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Program. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. USAC may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by USAC, the applicant, or the service provider. USAC, and other appropriate authorities (including but not limited to the FCC), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds. The timing of payment of invoices may also be affected by the availability of funds based on the



amount of funds collected from contributing telecommunications companies.

Schools and Libraries Division  
Universal Service Administrative Company



FUNDING COMMITMENT REPORT  
Billed Entity Name: SURRY COUNTY SCHOOL DISTRICT  
BEN: 126804  
Funding Year: 2014

Comment on RAL corrections: RAL change implemented on your FCC Form 471, Block 4 is in accordance with your RAL request.

FCC Form 471 Application Number: 937676  
Funding Request Number: 2685598 ✓  
Funding Status: Funded  
Category of Service: Telecommunications Service  
FCC Form 470 Application Number: 845550001182156  
SPIN: 143001502  
Service Provider Name: Surry Telephone Membership Corp.  
Contract Number: T  
Billing Account Number: 336-386-8211  
Multiple Billing Account Numbers: N  
Service Start Date: 07/01/2014  
Service End Date: 06/30/2015  
Contract Award Date: N/A  
Contract Expiration Date: N/A  
Shared Worksheet Number: 1618736  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$52,792.20  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00  
Pre-discount Amount: \$52,792.20  
Discount Percentage Approved by the USAC: 86%  
Funding Commitment Decision: \$45,401.29 - FRN approved as submitted

FCDL Date: 06/04/2014  
Wave Number: 004  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2015  
Consultant Name: New Hope Technology Foundation  
Consultant Registration Number (CRN): 16054699  
Consultant Employer: New Hope Technology Foundation



FUNDING COMMITMENT REPORT  
Billed Entity Name: SURRY COUNTY SCHOOL DISTRICT  
BEN: 126804  
Funding Year: 2014

Comment on RAL corrections: RAL change implemented on your FCC Form 471, Block 4 is in accordance with your RAL request.

FCC Form 471 Application Number: 937676  
Funding Request Number: 2685622  
Funding Status: Funded ✓  
Category of Service: Telecommunications Service  
FCC Form 470 Application Number: 845550001182156  
SPIN: 143000585  
Service Provider Name: NC RSA 3 Cellular Telephone Company  
Contract Number: MTM  
Billing Account Number: 336-386-8211  
Multiple Billing Account Numbers: N  
Service Start Date: 07/01/2014  
Service End Date: 06/30/2015  
Contract Award Date: N/A  
Contract Expiration Date: N/A  
Shared Worksheet Number: 1618736  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$34,200.00  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00  
Pre-discount Amount: \$34,200.00  
Discount Percentage Approved by the USAC: 86%  
Funding Commitment Decision: \$29,412.00 - FRN approved as submitted

FCDL Date: 06/04/2014  
Wave Number: 004  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2015  
Consultant Name: New Hope Technology Foundation  
Consultant Registration Number (CRN): 16054699  
Consultant Employer: New Hope Technology Foundation

FUNDING COMMITMENT REPORT  
Billed Entity Name: SURRY COUNTY SCHOOL DISTRICT  
BEN: 126804  
Funding Year: 2014

Comment on RAL corrections: RAL change implemented on your FCC Form 471, Block 4 is in accordance with your RAL request.

FCC Form 471 Application Number: 937676  
Funding Request Number: 2685644  
Funding Status: Funded ✓  
Category of Service: Telecommunications Service  
FCC Form 470 Application Number: 845550001182156  
SPIN: 143001502  
Service Provider Name: Surry Telephone Membership Corp.  
Contract Number: MTM  
Billing Account Number: 336-386-8211  
Multiple Billing Account Numbers: N  
Service Start Date: 07/01/2014  
Service End Date: 06/30/2015  
Contract Award Date: N/A  
Contract Expiration Date: N/A  
Shared Worksheet Number: 1618736  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$173,026.80  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00  
Pre-discount Amount: \$173,026.80  
Discount Percentage Approved by the USAC: 86%  
Funding Commitment Decision: \$148,803.05 - FRN approved as submitted

FCDL Date: 06/04/2014  
Wave Number: 004  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2015  
Consultant Name: New Hope Technology Foundation  
Consultant Registration Number (CRN): 16054699  
Consultant Employer: New Hope Technology Foundation



FUNDING COMMITMENT REPORT  
Billed Entity Name: SURRY COUNTY SCHOOL DISTRICT  
BEN: 126804  
Funding Year: 2014

Comment on RAL corrections: RAL change implemented on your FCC Form 471, Block 4 is in accordance with your RAL request.

FCC Form 471 Application Number: 937676  
Funding Request Number: 2685724  
Funding Status: Not Funded  
Category of Service: Telecommunications Service  
FCC Form 470 Application Number: 845550001182156  
SPIN: 143001502  
Service Provider Name: Surry Telephone Membership Corp.  
Contract Number: MTM  
Billing Account Number: 336-386-8211  
Multiple Billing Account Numbers: N  
Service Start Date: 07/01/2014  
Service End Date: 06/30/2015  
Contract Award Date: N/A  
Contract Expiration Date: N/A  
Shared Worksheet Number: 1618736  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$83,325.00  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00  
Pre-discount Amount: \$83,325.00  
Discount Percentage Approved by the USAC: 86%  
Funding Commitment Decision: \$0.00 - Insufficient documentation  
Funding Commitment Decision Explanation: Applicant has not provided sufficient documentation needed to determine the eligibility of the following item(s): The applicant failed to provide vendor documentation supporting their VOIP request.

FCDL Date: 06/04/2014  
Wave Number: 004  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2015  
Consultant Name: New Hope Technology Foundation  
Consultant Registration Number (CRN): 16054699  
Consultant Employer: New Hope Technology Foundation



FUNDING COMMITMENT REPORT  
Billed Entity Name: SURRY COUNTY SCHOOL DISTRICT  
BEN: 126804  
Funding Year: 2014

Comment on RAL corrections: RAL change implemented on your FCC Form 471, Block 4 is in accordance with your RAL request.

FCC Form 471 Application Number: 937676  
Funding Request Number: 2685739  
Funding Status: Not Funded  
Category of Service: Internet Access  
FCC Form 470 Application Number: 845550001182156  
SPIN: 143024051  
Service Provider Name: Gaggle.net, Inc.  
Contract Number: NA  
Billing Account Number: 336-386-8211  
Multiple Billing Account Numbers: N  
Service Start Date: 07/01/2014  
Service End Date: N/A  
Contract Award Date: 03/24/2014  
Contract Expiration Date: 06/30/2015  
Shared Worksheet Number: 1618736  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$.00  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$12,757.50  
Pre-discount Amount: \$12,757.50  
Discount Percentage Approved by the USAC: 86%  
Funding Commitment Decision: \$0.00 - Insufficient documentation  
Funding Commitment Decision Explanation: Applicant has not provided sufficient documentation needed to determine the eligibility of the following item(s): The applicant failed to provide vendor documentation supporting their gaggle email service request.

FCDL Date: 06/04/2014  
Wave Number: 004  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2015  
Consultant Name: New Hope Technology Foundation  
Consultant Registration Number (CRN): 16054699  
Consultant Employer: New Hope Technology Foundation

FUNDING COMMITMENT REPORT  
Billed Entity Name: SURRY COUNTY SCHOOL DISTRICT  
BEN: 126804  
Funding Year: 2014

Comment on RAL corrections: RAL change implemented on your FCC Form 471, Block 4 is in accordance with your RAL request.

FCC Form 471 Application Number: 937676  
Funding Request Number: 2685810  
Funding Status: Not Funded  
Category of Service: Internet Access  
FCC Form 470 Application Number: 845550001182156  
SPIN: 143027282  
Service Provider Name: Edline, LLC  
Contract Number: NA  
Billing Account Number: 336-386-8211  
Multiple Billing Account Numbers: N  
Service Start Date: 07/01/2014  
Service End Date: N/A  
Contract Award Date: 03/24/2014  
Contract Expiration Date: 06/30/2015  
Shared Worksheet Number: 1618736  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$.00  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$22,688.05  
Pre-discount Amount: \$22,688.05  
Discount Percentage Approved by the USAC: 86%  
Funding Commitment Decision: \$0.00 - Insufficient documentation  
Funding Commitment Decision Explanation: Applicant has not provided sufficient documentation needed to determine the eligibility of the following item(s): The applicant failed to provide vendor documentation supporting their Edline web hosting request.

FCDL Date: 06/04/2014  
Wave Number: 004  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2015  
Consultant Name: New Hope Technology Foundation  
Consultant Registration Number (CRN): 16054699  
Consultant Employer: New Hope Technology Foundation



FUNDING COMMITMENT REPORT  
Billed Entity Name: SURRY COUNTY SCHOOL DISTRICT  
BEN: 126804  
Funding Year: 2014

Comment on RAL corrections: RAL change implemented on your FCC Form 471, Block 4 is in accordance with your RAL request.

FCC Form 471 Application Number: 937676  
Funding Request Number: 2685843  
Funding Status: Not Funded  
Category of Service: Internet Access  
FCC Form 470 Application Number: 845550001182156  
SPIN: 143000585  
Service Provider Name: NC RSA 3 Cellular Telephone Company  
Contract Number: MTM  
Billing Account Number: 336-383-8211  
Multiple Billing Account Numbers: N  
Service Start Date: 07/01/2014  
Service End Date: 06/30/2015  
Contract Award Date: N/A  
Contract Expiration Date: N/A  
Shared Worksheet Number: 1618736  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$37,800.00  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00  
Pre-discount Amount: \$37,800.00  
Discount Percentage Approved by the USAC: 86%  
Funding Commitment Decision: \$0.00 - Insufficient documentation  
Funding Commitment Decision Explanation: Applicant has not provided sufficient documentation needed to determine the eligibility of the following item(s): The applicant failed to provide vendor documentation supporting their wireless internet access request.

FCDL Date: 06/04/2014  
Wave Number: 004  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2015  
Consultant Name: New Hope Technology Foundation  
Consultant Registration Number (CRN): 16054699  
Consultant Employer: New Hope Technology Foundation



Exhibit 3

June 24, 2013

Letter of Appeal  
Schools and Libraries Division – Correspondence Unit  
30 Lanidex Plaza West  
PO Box 685  
Parsippany, NJ 07054-0685

Dear Sir:

This is a Letter of Appeal for:

Name of Applicant/Appellant:	Surry County School District (NC)
BEN:	126804
FCC Registration Number:	
Contact:	John W. Hughes New Hope Technology Foundation One Valentine Lane Chapel Hill, NC 27516 (919)968-4332 (919)929-9074 fax <a href="mailto:jhughes@newhopetech.org">jhughes@newhopetech.org</a>

This is a Letter of Appeal of a Funding Commitment Decision Letter (FCDL) dated June 4, 2013 (see Exhibit A) in which FRN's 2685724, 2685739, 2685810, and 2685843 for FY 2014 were denied. FRN 2685724 was listed on Form 471 number 937676 with Surry Telephone Membership Corp., SPIN number 143001502, for the pre-discount amount of \$83,325.00, FRN 2685739 was listed on Form 471 number 937676 with Gagglenet, LLC, SPIN number 143024051, for the pre-discount amount of \$12,757.50, FRN 2685810 was listed on Form 471 number 937676 with Edline, SPIN number 143027282, for the pre-discount amount of \$22,688.05, FRN 2685843 was listed on Form 471 number 937676 with NC RSA 3 Cellular Telephone, SPIN number 143000585, for the pre-discount amount of \$37,800.00.

The reason for the denial was "Insufficient documentation" and the explanation for the denial was "Applicant has not provided sufficient documentation needed to determine the eligibility of the following items....[for FRN 2685724] "The applicant failed to provide vendor documentation supporting their VoIP request.".....and [for FRN 2685739] "The applicant failed to provide vendor documentation supporting their gaggle email service request.....and [for FRN] 2685810 "The applicant failed to provide vendor documentation supporting their Edline web hosting request.....and [for FRN 2685843] "The applicant failed to provide vendor documentation supporting their wireless internet access request".

The Surry County School District ("Surry County" or "District") respectively disagrees with the justification for the denial and requests that it be rescinded in full. The rationale for this disagreement is presented below:

## **I. Background for Application 937676**

Surry County posted a FCC Form 471 number 937676 (see Exhibit B) on March 25, 2014 along with associated Item 21 Attachments. Surry's consultant and 471 Contact, New Hope Foundation, received a PIA review request on May 4, 2014 (see Exhibit C) requesting additional information on FRN's 2685724, 2685739, 2685810, and 2685843 with a due date of May 19, 2014. The consultant immediately contacted the IT Director at Surry and asked for the bid documents that detailed the service for the four FRN's. The documents on the Surry Telephone VoIP service proved not be detailed enough to answer the reviewer's questions therefore the consultant contacted the service provider, Surry Telephone, and requested the executed copy of the contract that contained a more detailed description of the service. The service provider sales manager who possessed the contract was on vacation until May 20, 2014. On May 19, 2014 the consultant notified the PIA reviewer that the response would be late and would be sent on May 20, 2014. (see Exhibit D). The sales manager returned on May 20 but did not send the requested documents to New Hope until May 21. The consultant then on May 21 promptly sent the requested information to the PIA reviewer (see Exhibit E).

## **II. Surry County's Response to the Declination Explanation for FRN's 2685724, 2685739, 2685810, and 2685843 in the Funding Commitment Decision Letter Dated June 4, 2010**

While we readily admit that the response to the PIA request was one day past the date we informed the reviewer of, we respectfully submit that the delay of one day was the result of the service provider not providing the needed and requested information. While we realize that these reviews need to be pushed through the system quickly and that there is a push especially this year to move them through, it has not been the normal practice to deny responses that are a day late. That being said the circumstances were beyond the control of the consultant and the information was forwarded just as soon as we had it.

In summary, Surry County disagrees with the FCDL declination explanation and for all of the foregoing reasons<sup>1</sup>, the District respectfully submits that the declination be overturned and that this appeal be approved.

Respectfully Submitted

**SURRY COUNTY SCHOOL DISTRICT**

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By: John W. Hughes  
Contracted Consultant & Contact  
For Surry County School District.

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<sup>1</sup> Finally, there is no evidence of any intent to defraud or misuse the funds of the E-Rate program and in such circumstances, when combined with the other factual circumstances, there is not grounds to justify the harsh penalty of a denial of these funds. See generally *Request for Waiver of the Decision of the Universal Services Administrator by Barberton City School District, Barberton, Ohio et al., Schools and Libraries Universal Service Support Mechanism*, Order, 23 FCC Rcd 15526, 15530, ¶7 (Telecom. Access Pol. Div. 2008). Considerations of equity and hardship also support such a result. See generally *Requests for Review of Decisions of the Universal Service Administrator by Approach Learning and Assessment Centers et al, Schools and Libraries Universal Service Support Mechanism*, Order, 23 FCC Rcd 15510-15513-14, ¶18 (Telecom. Access Pol. Div. 2008). See *Request for Review of Decision of the Universal Service Administrator by Radford City Schools, Radford, Virginia, Schools and Libraries Universal Support Mechanism*, Order, 23 FCC Rcd 15451, 15453, ¶14 (Telecom. Access Pol. Div. 2008).